IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
WRIT PETITION NO.8243 OF 2003

Balu Nana Magdum & Ors. ...Petitioners
Vs.
Vidhyadhar Balu Magdum & Ors. ...Respondents

Mr Amit B. Borkar for the Petitioners.
Mr Amit D. Sale for the Respondent Nos.1 and 2.
Mr T.S. Ingale for the Respondent Nos.3 and 4.

CORAM : D. B. BHOSALE, J.
DATE : NOVEMBER 29, 2005.

P.C.:

1. This Petition is arising from the Orders passed by the Courts below on Exhibit 5 Application filed in the Civil Suit No.15 of 2002. The Trial Court had granted injunction in favour of the Petitioners-Plaintiffs restraining the Respondents-Defendants from causing obstruction to possession of the Plaintiffs over the suit property until the decision of the suit. The Respondents-Defendants carried that order in Appeal bearing Misc. Civil Application No.07 of 2003. Admittedly, pending that Appeal, order of status-quo was granted and ultimately Appeal was allowed vide Judgment and Order dated 29.01.2003 by which the order passed by the Trial Court on 20.01.2003 was set aside. This Court while issuing notice in the Writ Petition by Plaintiff on 27.11.2003 directed the parties to maintain status-quo and that order was confirmed while issuing rule on 19.04.2004. The order of status-quo

operates since last about three years. No efforts have been made by either side to obtain interim order or vacating the order of status-quo. Keeping that in view and considering the overall facts and circumstances of the case, I am satisfied that the following order shall meet the ends of justice:

: O R D E R :

i) The Trial Court shall decide the Special Civil Suit No.15 of 2002 as expeditiously as possible and preferably within a period of one year from the date of receipt of this order.

ii) The order of status-quo initially granted by this Court on 27.11.2003 and confirmed on 19.04.2004 shall remain operative till the disposal of the suit.

iii) The Trial Court shall decide the suit on merits in accordance with law and uninfluenced by the observations made in the orders passed in the proceedings arising from the Application Exhibit 5.

iv) The Writ Petition is accordingly disposed of.

JUDGE